



## **National Transportation Safety Board**

Testimony of  
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National Transportation Safety Board  
before the  
Committee on Commerce, Science and Transportation  
United States Senate  
regarding  
Reauthorization of the National Transportation Safety Board  
June 25, 2002

Good morning Chairman Rockefeller and Members of the Committee. I am pleased to appear before you today on behalf of the National Transportation Safety Board (NTSB) regarding our request for reauthorization.

Mr. Chairman, I was extremely honored when President Bush nominated me for the position of NTSB Chairman – a position I have held for about nine months. I believe the agency has a critical mission, to protect and advance public safety in all modes of transportation, and I am more and more impressed with the men and women of the NTSB and the work they do to advance that mission each and every day. I would be remiss, however, if I did not acknowledge that many of the accomplishments of the NTSB would not have occurred without the continued support of this Committee.

As you know, the work of the NTSB was last reauthorized in 2000, and this Committee supported many new Safety Board initiatives, such as true overtime for Safety Board investigators at accident sites, the authority to enter into agreements to be compensated for our instructional or analytical services, and the clarification of the Department of Justice/NTSB relationships during accident investigations. I was on-scene at the American Airlines flight 587 crash in Queens, New York, and I can personally tell you that the on-scene relationship between the NTSB and FBI worked well. I thank you for your support and I look forward to working with you to further the interests of transportation safety.

## **SAFETY BOARD ACTIVITIES**

Before I present our request for our three-year reauthorization, I would like to highlight several Board activities since our last reauthorization hearing. The Board continues its core mission of investigating accidents, issuing safety recommendations, and coordinating family affairs activities. Since the Board's last reauthorization appearance in July 1999, until mid May, 2002, we have investigated over 5,988 aviation accidents, issued 4 major aviation reports, including TWA flight 800 and American Airlines flight 1420, and 3 studies; 111 highway accidents and issued 5 major highway reports, including the motorcoach accident at New Orleans; 13 marine accidents, one special investigation, and issued 6 major marine reports, including reports involving the *Ecstasy* and the *Morning Dew*; 8 pipeline/hazardous materials accidents and issued 5 major pipeline/hazardous materials reports, including as the pipeline explosion in St. Cloud, Minnesota; and 56 railroad accidents, and issued 15

major railroad reports, including the Amtrak grade crossing accident in Bourbonnais, Illinois. We have issued a total 645 safety recommendations. The modal breakdown follows: aviation – 270; highway – 124; intermodal – 18; marine – 84; pipeline – 30; and railroad – 119.

The Safety Board has also begun work on the NTSB Training Academy, a major training initiative to increase the knowledge and skill of our investigators. As you may recall, in 1999 the Rand Corporation issued a report that strongly recommended that the Safety Board devote more resources and staff to keep its investigators on the cutting edge of investigative technology, skill, and performance.

In the aftermath of the tragedies that occurred on September 11, 2001, for many weeks the Board assisted the Federal Bureau of Investigation (FBI). Over 60 Safety Board employees worked around the clock in Virginia, Pennsylvania, New York, and at our headquarters in Washington, D. C., assisting with aircraft parts identification, searching for and analyzing flight recorders, and working with the air carriers to assist the victims' families. Although Safety Board employees frequently view the aftermath of aviation disasters, nothing in their experience prepared them for the magnitude of the September 11th devastation. I applaud all involved, and want to take this opportunity to publicly commend them for their accomplishments.

### **Safety Recommendations**

The most important results of any accident investigation, no matter what mode of transportation, are the safety recommendations. It is clear that adoption of our safety recommendations saves lives.

The Safety Board currently has over 1,100 open safety recommendations, and some of them have been open for a number of years. Approximately half of the recommendations are to the Department of Transportation (DOT) and its modal administrations, with most of the remaining half to the private sector or the States. Because we have been typically receiving progress reports on only

about one-third of our open recommendations, we are working with the DOT modal administrations to get an update on the status of each and every one of them and to ensure that in the future we receive at least an annual report. As part of this effort, for all that remain open I have begun to meet with each of the modal agency administrators to discuss which of the open recommendations can and should be accomplished within the next two years, and have already met with the Administrators of the National Highway Traffic Safety Administration (NHTSA), the Federal Railroad Administration (FRA), and the Federal Transit Administration (FTA). These meetings have been productive and are helping to accomplish the goals of a number of open safety recommendations.

I am also focusing special attention on our advocacy and outreach activities. This includes working with consumer and industry organizations to garner support for our safety recommendations. In addition, we are going to step up our efforts to work with the states to implement recommendations we have made to them. Our Board is launching a new program to help. The five Members have each agreed to be responsible for ten states. Board members will meet with state officials and departments to promote the passage of legislation. We will also address open safety recommendations, speak at public events, target print, radio and television media, and establish contacts with important state groups.

We are confident that our Members' state strategy will prove to be successful, and I believe these steps will reduce the time it takes -- currently a five-year average -- to implement the improvements that we see as necessary for the safety of the traveling public.

## **Aviation**

As you know, the NTSB investigates every accident involving civil aircraft, accidents involving both military and civil aircraft, and aircraft accidents involving public aircraft other than aircraft operated by the Armed Forces or by the United States intelligence agencies. On-going NTSB major aviation investigations include crashes involving: Alaska Airlines flight 261 near Port Hueneme, California; Emery Worldwide Airlines flight 17 in Rancho Cordova, California; Southwest Airlines flight 1455 in Burbank, California; and American Airlines flight 587 in Belle Harbor, New York. The Safety Board plans to hold a public hearing on the American Airlines accident in our Board Room and Conference Center in October 2002.

The Safety Board also recently sent investigators to assist in the foreign aviation accidents that occurred: May 25, 2002, near Makung Island, Taiwan, involving a China Airlines Boeing 747; May 7, 2002, in Dalian, China, involving a China Northern Airlines MD-82, and Tunisia, involving an EgyptAir Boeing 737; May 4, 2002, in Nigeria involving an EAS Airlines BAC 1-11; April 27, 2002, in San Salvador involving a Centurion Air Cargo DC-10; and the April 15, 2002, accident involving an Air China Boeing 767-200 in Pusan, South Korea.

A number of recent aviation safety accomplishments that have resulted from NTSB aviation investigations:

Runway Safety – Runway safety has been a concern of the NTSB for many years, and we are pleased that recent accomplishments have been made in this area as a result of NTSB investigative activities –

some without the need for safety recommendations. For example, in December 1999, an Emery DC-8 collided with a parked Gemini DC-10 while taxiing on a ramp at Indianapolis International Airport, resulting in substantial damage to the DC-8 aircraft. As a result of the investigator's discussions with the FAA and the ramp control and ground handling firm, ground operations at the airport were revised.

Other runway safety accomplishments resulted from suggestions made by NTSB investigators following potentially catastrophic incidents in New York, Denver, Philadelphia, Chicago and Juneau. Remedies ranged from improved pushback and ramp and controller procedures, to proper runway markings and safety education for ground crews that service air carriers.

*Lubrication and Inspection Procedures for Horizontal Stabilizer Acme Screws and Acme Nuts –*

The NTSB investigation of Alaska Airlines flight 261 raised concerns regarding industry maintenance practices associated with the MD-80's horizontal stabilizer trim system and potential adverse effects caused by the use of inappropriate greases or mixtures of incompatible greases. As a result of issues raised in our investigation, the Federal Aviation Administration (FAA) ordered inspections of the stabilizer control mechanisms of over 1,000 aircraft and held a forum to address grease and lubrication issues. The FAA is also working with the manufacturer to rewrite the aircraft's lubrication procedures.

*Pilot Training on Transport-Category Airplanes –* The investigation of the American Airlines flight 587 crash in Belle Harbor, New York, has a number of different areas of inquiry, but one aspect has raised questions regarding pilot training programs. Many programs do not include information about the structural certification requirements for the rudder and vertical stabilizer on transport-category airplanes.

The NTSB issued a recommendation requesting that the FAA require the manufacturers and operators of transport-category airplanes establish and implement pilot training programs that address the issues of pilot rudder inputs we identified in our recommendation letter, and to review all existing and proposed guidance and training provided. The Safety Board notes that the FAA has taken positive action regarding our recommendations. In an April 2002 letter, they advised that they had reviewed operators' training programs, issued a notice to principal operations inspectors of the potential subsequent effects on the vertical stabilizer resulting from improper rudder use, and contacted manufacturers and industry organizations to inform them that it shares the Board's concern regarding pilot training on the use of the rudder in transport-category airplanes.

## **Highway**

Until recently, the Board's Office of Highway Safety has, until recently, conducted in-depth investigations of single, major accidents and issued safety recommendations on issues resulting from those investigations. The accidents investigated generally involved large loss of life and property damage, but in many cases may not have been representative of the typical highway accidents occurring daily, nationwide. Now, because of the Board's limited highway staff, we devote our resources to those accidents that have a significant impact on the public's confidence in highway transportation safety and highlight national safety issues. Currently under investigation are four school or commercial bus accidents, two 15-passenger van accidents, a grade crossing accident, a work zone accident, an accident that occurred on the Washington Beltway on February 1, 2002, when the driver of an SUV lost control of her new vehicle in windy weather while talking on a cell phone, and the May 26, 2002, collapse in Oklahoma of a bridge on Interstate 40 after being struck by a barge. We are also



conducting a special investigation regarding 15 passenger vans.

The Safety Board is also continuing a high level of advocacy work with the states on a number of important highway safety issues, including booster seats, hard core drunk driving, graduated driver licensing, the need for personal floatation devices and boating instruction.

The NTSB's Office of Highway Safety is focusing its resources on identifying trends from the investigation of similar accidents to develop potential root causes and appropriate countermeasures. As you may recall, in 1999, the NTSB embarked on a multi-year initiative to improve heavy vehicle transportation safety, and conducted four public hearings on truck and bus safety issues. As a result of those hearings, individual reports and a number of safety recommendations on each issue either have been or will soon be issued, including:

- Technology applications for heavy vehicle safety;
- Adequacy of the commercial drivers license medical certification process;
- Intrastate truck safety; and
- Collision warning technology.

A number of recent highway safety accomplishments have resulted from NTSB highway investigations:

*Heavy Trucks* -- In October 2000, a Freightliner dump truck lost primary braking capability near Lincoln, Nebraska, killing two people. Our investigation revealed that a brake pin had fractured, rendering the service brakes inoperative. Working closely with the NTSB, Freightliner, in November 2000, voluntarily recalled approximately 133,000 trucks to replace the defective brake pedal push rods

without a safety recommendation being issued.

Highway/Railroad Grade Crossing – In March 2000, a school bus carrying elementary school children failed to stop at a railroad grade crossing and was struck by a CSX freight train. The accident resulted in the deaths of three students and three serious injuries. As a result of NTSB discussions with CSX, the railroad corrected a sign error, replaced a missing whistle post at another crossing, surveyed signs in the rail subdivisions for accuracy, and reiterated to employees rules dealing with the installation, maintenance and inspection of crossing signs.

## **Marine**

The NTSB investigates major marine casualties occurring on the navigable waters or territorial seas of the United States, or involving a vessel of the United States, under regulations agreed to by the Board and the Department of Transportation. On-going marine investigations include accidents involving the grounding of the U.S. passenger ferry *Finest* during an approach to a New Jersey ferry terminal; the collision of the U.S. nuclear attack submarine *USS Greeneville* with the Japanese fisheries training vessel *Ehime Maru* near Pearl Harbor, Hawaii; the fire aboard the passenger ferry *Seastreak* in New York, New York; and the collision of a U.S. Coast Guard patrol boat with the small passenger vessel *Bayside Blaster* in Miami, Florida. We are also conducting a special investigation regarding fire standards for small passenger vessels.

Several recent marine safety accomplishments have resulted from NTSB marine investigations:

Cruise Ship Safety – Because precious time is often lost between the detection of smoke and the time that passengers or crew are ultimately notified of the problem, the NTSB repeatedly has urged that the

cruise ship industry install smoke alarms that sound where the smoke is detected, not just in a remotely located control room. Over the last year, we received commitments from several cruise lines to comply fully with our recommendations. Combined, these seven cruise lines operate 50 cruise ships with a capacity to carry more than 76,000 passengers and approximately 30,000 to 40,000 crew. As a result, improved shipboard fire safety will be available for more than three million passengers and more than a million crewmen annually.

*Permanently Moored (Gaming) Vessels* -- In September 2000, following our investigation of the near-breakaway of a gaming vessel moored in the Mississippi River in St. Louis, Missouri, the Safety Board issued recommendations to improve the safety of permanently moored gaming vessels on U.S. navigable waters. According to Coast Guard data, there are 30 permanently moored gaming vessels on the Mississippi and Missouri Rivers, with an aggregate capacity of 50,000 people. Coast Guard policy, established after this accident, requires owners/operators of permanently moored vessels to protect them from waterborne and current-related risks. Failure to comply with this requirement will result in vessels not being designated as a permanently moored vessels. The vessels will also remain under Coast Guard jurisdiction and require a certificate of inspection.

### **Pipeline/Hazardous Materials**

The NTSB investigates pipeline accidents in which there is a fatality, substantial property damage, or significant injury to the environment. Selected areas of emphasis include accidents involving aging pipeline infrastructure failures, government pipeline safety regulatory programs or industry practice inadequacies, accidents involving recognition or response delays, and environmental damage following

the release of a significant amount of product that threatens water supplies. On-going major NTSB pipeline investigations include accidents that occurred in

Bellingham, Washington, involving Olympic Pipeline Company; Chalk Point, Maryland, involving Potomac Electric Power Company; and Carlsbad, New Mexico, involving El Paso Natural Gas Pipeline Company.

Several recent pipeline safety accomplishments have resulted from NTSB pipeline investigations:

*Pipeline Integrity* – The continued operation of pipelines with discoverable integrity problems has been a recurring issue in Safety Board investigations and numerous safety recommendations have been issued to address our concerns. We are encouraged that the Research and Special Programs Administration (RSPA) recently published final rules that will require integrity assessments for liquid pipelines in high consequence areas, and requires operators to assess the integrity of pipelines using in-line inspection tools, pressure tests, or other technologies that will provide equivalent results.

*Data Collection* – The Safety Board has been concerned with RSPA's data collection process. Over the years, we have made recommendations to correct trend analysis and pipeline operator performance evaluation inadequacies. In May 2001, the Office of Pipeline Safety (OPS) issued new accident reporting requirements for gas transmission pipelines, and in January 2002, OPS issued new accident reporting requirements for hazardous liquid pipelines. We believe the new reporting requirements will include information that will assist the Safety Board with operator evaluation and trend analysis.



Excavation Damage – Excavation damage prevention was removed from the Board’s “Most Wanted” list of safety issues last month. We are encouraged by OPS research to improve pipeline location technologies, improve inspection technologies to find pipe defects, monitor for mechanical damage and leaks in real time, and improve technologies to avoid damage to underground facilities and to increase the security of pipelines. We are hopeful that this on-going research, which addresses many Safety Board recommendations, will lead to increased excavation prevention safety.

## **Railroad**

The NTSB investigates railroad accidents in which there is a fatality or substantial property damage, or that involve a passenger train. There are over 6,500 railroad accidents and incidents reported annually. Because of limited resources, the Safety Board investigates fewer than 25. On-going major NTSB railroad investigations include a CSX tunnel fire in Baltimore, Maryland; an Amtrak derailment in Crescent City, Florida; a grade crossing accident involving an Amtrak train and a tractor-trailer in Coosawhatchie, South Carolina; a collision between a freight train and a commuter train in Placentia, California; and a derailment that resulted in the release of hazardous materials in Minot, North Dakota. The Board will hold a public hearing on the Minot accident in our Board Room and Conference Center in July 2002.

Several recent railroad safety accomplishments have resulted from NTSB railroad investigations:

*Freight Train Brakes* -- Significant progress on freight train braking systems was made with the promulgation of new power brake regulations in 2001. The FRA issued new regulations that close several outstanding recommendations concerning cold weather operations, steep-grade train handling practices, and dynamic brake requirements to prevent “run-away” trains. Additionally, train crews will be provided with training in the use of air brake retaining valves and will be required to have knowledge of their trailing tonnage. The regulations address many Safety Board recommendations issued regarding this subject.

*Positive Train Control (PTC)* -- Since its formation in 1967, the NTSB has investigated numerous major collision accidents, most of which could have been prevented had PTC systems that ensure safe train separation been in effect. We are currently investigating a number of railroad collision accidents that may have been prevented had PTC systems been in place, including a recent head-on collision that occurred between a freight train and a commuter train in Placentia, California, on April 23, 2002. These systems have been developed and are being tested. For example, Amtrak employed a 118-mile PTC system along the high-density Northeast Corridor between New Haven, Connecticut, and Boston, Massachusetts. Amtrak has installed another 76 miles of PTC on a Michigan line. Additional projects include an advanced speed enforcement system with PTC capabilities, which is planned for installation on 540 track miles owned by New Jersey Transit. In addition, a positive train control system is being designed, tested, built, and installed on a 123-mile section of the high-speed Chicago-St. Louis Corridor by the AAR in cooperation with the Illinois Department of Transportation.

### **NTSB Board Room and Conference Center**

Finally, since the Board’s last reauthorization, the NTSB inaugurated in Spring 2000 a new



Board Room and Conference Center at its headquarters. The new complex significantly increases the Board's space and capabilities for Board meetings and other agency events. The main auditorium holds close to 400 people, compared to about 100 in the old facility. It also includes state-of-the-art electronics equipment and areas designed for the news media, family members, private conferences and meetings. Because of the size of the room, we are now able to hold investigative public hearings at the facility. It is estimated that we saved taxpayers over \$100,000 in calendar year 2000 when we held the Alaska Airlines flight 261 accident hearing in our Board room.

## **REAUTHORIZATION REQUEST**

Mr. Chairman, the Board is requesting two changes to its authorizing authority. Attached to our statement is a copy of our formal request, but the following is a summary of each issue.

### *Marine Priority*

This amendment would give the NTSB the same priority in marine accident investigations as it has in all other modes of transportation. The NTSB included a proposal in our Senate reauthorization request of 1996 for NTSB marine investigations to have priority over other federal investigations. In 1999, the NTSB included another request in our reauthorization on this issue to clarify the relationship with the Coast Guard. The Congress responded with the National Transportation Safety Board Amendments Act of 2000, which included a deadline of one year for the revision of our inter-agency Memorandum of Understanding (MOU) with the Coast Guard and language directing the agencies to clarify the circumstances for NTSB to lead investigations.

We have met with the Coast Guard on numerous occasions and exchanged proposals to amend the MOU. Our most recent proposal submitted to the Coast Guard would have enabled the NTSB to elect to take the lead in no more than five accidents per year. The Coast Guard has thus far indicated no inclination to permit NTSB to elect leadership in any investigation, and the negotiations between the agencies are currently at a standstill.

Because it appears that our two agencies will not reach an agreement, and we will not find a mutually acceptable formula that would permit NTSB to elect leadership in even a limited number of accidents, we are again asking for congressional intervention.

Be assured, Mr. Chairman, that although the Board has asked for congressional intervention, our negotiations have not stopped. In fact, I plan to soon meet with Deputy Secretary Michael Jackson and the new Coast Guard Commandant Admiral Thomas Collins to pursue the matter.

*Clarification of Family Affairs Responsibilities in Intentional Criminal Acts*

Since passage of the Aviation Family Disaster Assistance Act in 1996, the NTSB has been responsible for coordinating Federal efforts to assist family members following an aviation disaster. The legislation wisely triggers our family affairs response regardless of the cause or suspected cause of the occurrence. The intent was to provide family assistance without any delay due to uncertainty about which agency would lead the investigation. Uncertainty in Federal response to meet the needs of families would lead to confusion, neglect, distrust, and further traumatize the next of kin of the victims.

However, when investigative responsibility is transferred to the FBI, the NTSB believes that the responsibility for family assistance should be transferred as well. When the FBI has investigative priority, the site of the crash is considered a crime scene and access to the scene and release of information about the investigation are much more restricted than when the NTSB has investigative priority. Following the events of September 11, 2001, it was apparent that an agency that is not responsible for the investigation cannot be responsible for coordinating family affairs support, such as facilitating victim recovery and identification or briefing the families.

Additionally, since September 11th, the FBI has reorganized its Office of Victims Assistance, hired a program director to work with the NTSB and other agencies to support victims and their families following terrorist/criminal events resulting in mass fatalities, and is in the process of hiring more than 100 victim assistance staff that can be organized into quick response teams in the event of mass fatalities. Although the NTSB is certainly ready to assist, we believe that the FBI and Department of Justice should undertake family assistance responsibilities when the event is deemed criminal.

#### NTSB Academy

The NTSB's reauthorization request also provides for budget and personnel resource levels to sustain the NTSB's Academy. The NTSB has for many years provided training for its investigators and other transportation accident investigators from around the world. We also provide training for other U.S. and international government agencies and industry representatives on how to comply with the Aviation Family Disaster Act following major transportation accidents. The academy will enable the NTSB to consolidate and formalize all NTSB training activities. In fact, we are currently enrolling major

domestic and international air carriers in a family assistance course to be held next month. The facility will also house the reconstruction of the TWA flight 800 accident aircraft and provide state-of-the-art classrooms and laboratory space for accident investigation.

A 20-year lease agreement with The George Washington University to build a 72,000 square foot training academy in Loudoun County, Virginia has been signed and construction began in December 2001. It is expected that the Academy will open in fiscal year 2003, and we are looking forward to the opportunities it will provide to advance transportation safety worldwide.

Mr. Chairman, that completes my testimony and I will be happy to respond to any questions you may have.